



INSPECTOR GENERAL REPORT

2007-08-0213

November 19, 2007

EXCISE REVIEW REPORT OF FINDINGS

Inspector General David O. Thomas, after an investigation by Special Agent Darrell Boehmer, reports as follows:

At the request of the Indiana Excise Police (Excise), the Office of the Inspector General (OIG) agreed to conduct a review of an Excise internal investigation. This involves the allegation from an Excise employee (Employee) that internal Excise standard operating procedures (SOP's) were not followed by an Excise internal investigator (Investigator) while conducting an internal investigation.

The OIG agreed and Special Agent Darrell Boehmer was assigned. The investigation included interviews of several witnesses including the Investigator and the Employee who had been investigated by the Investigator. The Excise SOP's were also obtained and reviewed. These SOP's include written procedures that are to be followed during an internal investigation. A review of the Excise structure was also conducted.

SOP BA-016, Section 7, states that the investigative unit shall prepare and submit a "report of findings and provide a disposition recommendation for each complaint." *Id.* The OIG accordingly issues the following findings.

1.

All Excise employees, including Employee and Investigator, cooperated with this investigation in compliance with BA-016, Section 4.

2.

The July 17, 2007 interview of Employee by Investigator was an appropriate interview to determine the accuracy of a collateral matter.

3.

The July 17, 2007 inquiry by Investigator to Employee on the collateral matter became an internal investigation of Employee. Although Investigator points out the interview commenced on the collateral matter, the Investigator concedes in his October 3, 2007 interview that the July 17, 2007 interview migrated to an investigation of the Employee.

4.

In the initial stage of the July 17, 2007 interview, Employee denied making the allegation in the collateral matter and the interview continued. If this was the triggering event which converted the inquiry into an investigation of the Employee as conceded by Investigator, the bulk of this July 17, 2007 interview changed to an investigation of both the Employee and the collateral matter.

5.

Employee was not provided by Investigator the Garrity advisements as addressed in BA 016, Section 7(e), and accordingly, a literal interpretation of this SOP shows that this allegation in this respect is sustained as addressed in BA 016,

Section 7(g).

6.


Employee also requested a copy of the July 17, 2007 interview and was initially refused a copy, which was issued to Employee the following day. A review of BA 016, Section 7(d) states that interviews shall be recorded but does not address whether a copy must be issued.

7.

When Employee was asked by the OIG what remedy he wished to see for this alleged violation, Employee responded that he wanted Excise to follow the proper procedures as outlined in SOPs in future investigations.

In conclusion, the OIG refers this report with these findings to Excise for further proceedings.

Dated this 19th day of November, 2007.



David O. Thomas, Inspector General